

REMARKS

Reconsideration of the application, as presently amended, is respectfully requested. Claims 10, 13 and 15 have been amended. No claims have been cancelled or added.

Applicant initially notes that the current Office Action has been designated a Final Office Action. Applicant respectfully submits that a second or subsequent office action on the merits may be made final except when the Examiner introduces a new ground of rejection that is neither necessitated by an amendment by the Applicant of the claims nor based on information submitted in an Information Disclosure Statement filed after a First Office Action. See MPEP706.07(a). Applicant has not submitted an Information Disclosure Statement since the mailing date of December 11, 2003 of the First Office Action. Moreover, in response to the First Office Action, Applicant merely amended various claims to include features of claims dependent therefrom. Applicant therefore respectfully requests that the finality of the current Office Action be withdrawn.

Claim 15 is indicated by the Office Action to be allowed. Applicant appreciates the Examiner's allowance of claim 15.

Claims 10 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,574,979 to West ("West") in view of U.S. Patent No. 6,233,430 to Helferich ("Helferich"). Applicant initially notes that claims 10, 13, and 15 have been amended solely for clarity or stylistic purposes and that Applicant has not intended to narrow any of claims 10, 13, or 15 by the amendments made herein.

Claim 10 is directed to a communications system that includes a communications device and a remote unit. The communications device includes a first transceiver and a second transceiver, while the remote unit includes a third transceiver. The communications device also includes means for detecting signal strengths of potentially interfering signals and means for providing an alert signal if the detected signal strength exceed a predetermined threshold. Moreover, the communications device includes means for transmitting the alert signal to the remote unit.

The third transceiver, which is part of the remote unit, is for communicating with the communications device. The remote unit also includes means for playing back a stored audible message in response to a received alert signal.

Applicant respectfully submits that even if it is assumed, for the sake of argument, that West and Helferich are properly combinable, the combination of West and Helferich fails to teach or suggest at least one of the distinguishing features of claim 10. First, as noted above, the communications system of claim 10 includes a communications device and a remote unit. The Office Action refers to a first transceiver (4517) and a second transceiver (4521). Applicant respectfully submits that even if it is assumed, for the sake of argument, that transceivers 4517 and 4521 of West otherwise may be considered to correspond to the first transceiver and the second transceiver of claim 10, the transceiver 4517 is part of a user terminal 4503, while the transceiver 4521 is part of a base station 4505. Applicant respectfully submits that the transceiver 4517 and the transceiver 4521 are not included within the same device as required by claim 10.

In similar fashion to claim 10, claim 13 is directed to a communications system that includes a communications device and a remote unit. The communications device of claim 13 includes a first transceiver and a second transceiver. For similar reasons to those stated above with respect to claim 10, Applicant respectfully submits that claim 13 also distinguishes over West.

The Office Action concedes that West “. . . fails to specifically disclose a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal. Helferich has been cited by the Office Action as supplying this admitted deficiency of West. Applicant respectfully submits that Helferich fails to cure the deficiencies of West noted above with respect to claims 10 and 13.

Second, claim 10 recites that the second transceiver is for communicating with the remote unit. The Office Action appears to have cited a 60 Hz power mains 4507 as

corresponding to the remote unit of claim 10. Applicant respectfully submits that the transceiver 4521 is not for communicating with the 60 Hz power mains 4507. Rather, as shown in FIGURE 45 of West, the 60 Hz power mains 4507 is connected to a SYNC circuit 4511 of the base station 4505 via an AC power line 4513. West in no way suggests that the transceiver 4521 of the base station 4505 is for communicating with the 60 Hz power mains 4507.

In similar fashion to claim 10, claim 13 recites that the second transceiver of the communications device is for communicating with a remote unit. For similar reasons to those stated above with respect to claim 10, Applicant respectfully submits that claim 13 distinguishes over West.

As noted above, Helferich has been cited by the Office Action as disclosing means for storing an audible message and means for playing back the stored audible message in response to a received alert signal. Helferich has also been cited as disclosing paging transceivers and methods for selectively retrieving messages as well as a remote unit that includes means for displaying a visual message in response to a received alert signal. Applicant respectfully submits that Helferich fails to cure the deficiencies noted above of West in regard to the second transceiver of claims 10 and 13 being for communicating with a remote unit.

For at least the reasons set forth above, Applicant respectfully submits that each of independent claims 10 and 13 distinguishes over the cited combination of West and Helferich. Withdrawal of the rejection of claims 10 and 13 is respectfully requested.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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